



General Assembly

February Session, 2014

Raised Bill No. 208

LCO No. 924



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT CONCERNING PHARMACY REWARDS PROGRAMS AND
PROTECTED HEALTH INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2014*) (a) For purposes of this
2 section, "pharmacy rewards program" means a promotional
3 arrangement under which a retailer provides a consumer with store
4 credits, discounts or other tangible benefits in exchange for the
5 consumer filling drug prescriptions through such retailer or its
6 affiliate.

7 (b) Prior to enrolling a consumer in a pharmacy rewards program, a
8 retailer shall provide the consumer with a plain language summary of
9 the terms and conditions of such program. Such summary shall be in
10 writing and shall include, if a HIPAA authorization is required to
11 participate in the program, a disclosure statement that contains
12 conspicuous notice, in bold font, of what a HIPAA authorization is and
13 that explains that, once a HIPAA authorization is signed, the
14 consumer's personal health information may no longer be protected by
15 federal and state privacy laws.

16 (c) If the consumer is required to sign a HIPAA authorization to
 17 participate in the program, the retailer shall include information on the
 18 enrollment form, at the point of HIPAA authorization, that states: (1)
 19 The specific uses or disclosures the HIPAA authorization allows, (2)
 20 whether personal health information obtained by the retailer will be
 21 disclosed to third parties and, if so disclosed, shall include a disclosure
 22 statement that such information will not be protected by federal or
 23 state privacy laws, (3) which, if any, third parties will have access to
 24 the consumer's protected health information, (4) instructions on how to
 25 revoke the authorization, and (5) that the consumer is entitled to a
 26 copy of the authorization once signed.

27 (d) The terms "HIPAA", "Health Insurance Portability and
 28 Accountability Act of 1996", "HIPAA authorization", "personal health
 29 information", "Privacy Rule", "privacy law" and "marketing purposes"
 30 shall be defined in promotional materials, in the summary required
 31 pursuant to subsection (b) of this section, and on the enrollment form
 32 at the point of HIPAA authorization, if such terms are used in such
 33 materials, summary or enrollment form.

34 (e) A violation of subsection (b), (c) or (d) of this section shall be
 35 deemed an unfair or deceptive act or practice in the conduct of trade or
 36 commerce under subsection (a) of section 42-110b of the general
 37 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	New section

GL *Joint Favorable*